



Crime & Punishment

James Alan Fox on criminal behavior and the justice system

Death would be too good for Marathon bomber

Posted by James Alan Fox, Crime and Punishment January 30, 2014 04:30 PM

I am disappointed, although hardly surprised, by the decision announced today that the federal government would be pursuing the death penalty in its prosecution of accused Marathon bomber, Dzhokhar Tsarnaev.

There is no denying, of course, that Tsarnaev's alleged crimes at and after last April's Boston Marathon were absolutely reprehensible, far more egregious than the misdeeds perpetrated by most criminals who have been put to death in America over the past few decades. Notwithstanding the horrible suffering that the defendant is believed to have caused, pursuing death would only increase his martyrdom status among those who claim his innocence and have characterized him as a political prisoner.

The attention -- and sometimes sympathy from supporters -- that condemned political criminals derive through death has long been a concern of death penalty opponents and even some supporters. In 2008, then-U.S. Attorney General Michael Mukasey, a George W. Bush appointee who was hardly gun-shy when it came to the capital punishment, argued against executing the September 11 terrorists imprisoned at Guantanamo for fear of casting them as martyrs and unnecessarily empowering Osama bin Laden.

Through the ages, there have been many instances in which executions have had the unintended effect of advancing the condemned's stature in the eyes of followers and promoting the underlying ideology, be it religious or political. It is precisely for this reason, for example, that Fort Hood mass murderer, Nidal Malik Hasan, pronounced his own desire to be executed.

Moreover, if the media circus associated with the executions of several other well-known murderers (e.g., McVeigh, Gacy, and Bundy) is any indication, if and when Tsarnaev were scheduled to die, his name and image would be plastered all over the news, further increasing his undeserved celebrity in the minds of those on the political fringe who view our government as evil and corrupt.

If convicted, the very best result would be to have Tsarnaev spend the rest of his potentially long and miserable life locked away in some stark and miserable federal prison cell. He should then have the exact same fate as many other convicted mass murderers, by living and dying in painful obscurity, hidden away from the spotlight of the media and worldwide attention that many criminals find sustaining and reason enough to die.